**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

MLM - IHW, WQ

**Small Business:** 

Yes

Location(s) Where Violation(s) Occurred:

AG MEIER, 920 East 6th Avenue, Belton, Bell County

**Type of Operation:** 

Industrial manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 22, 2013

Comments Received: No

## **Penalty Information**

**Total Penalty Assessed:** \$15,375

Amount Deferred for Expedited Settlement: \$3,075 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,150 Total Due to General Revenue: \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$6,150

Name of SEP: Texas Association of Resource Conservation and Development Areas,

Inc. - Water or Wastewater Treatment Assistance

**Compliance History Classifications:** 

Person/CN - Unclassified Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

## **Investigation Information**

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: September 28, 2012

Date(s) of NOE(s): October 11, 2012

## **Violation Information**

- 1. Failed to prevent the unauthorized discharge of industrial waste. Specifically, one 5-gallon paint bucket had discharged down the side of a metal drum onto a pallet and onto the ground, including containers with unknown contents (buckets and metal drums) were disposed at the Facility [30 Tex. Admin. Code § 335.4].
- 2. Failed to identify and classify all industrial wastes generated at the Facility. Specifically, Respondent did not conduct a waste determination and classification on the waste stream at the Facility [30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations ("CFR") § 262.11].
- 3. Failed to obtain authorization to discharge storm water associated with industrial activities under the Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26(c)].
- 4. Failed to store and process hazardous waste at an authorized facility [30 Tex. Admin. Code § 335.2(b)].
- 5. Failed to ensure that each container used to store hazardous waste is labeled or marked "clearly" with the words "Hazardous Waste" [30 TEX. ADMIN. CODE § 335.69(a)(3) and 40 CFR § 262.34(a)(3) and (b)].
- 6. Failed to label all hazardous waste drums with accumulation start dates. Specifically, 11 metal drums were not labeled [30 Tex. ADMIN. CODE § 335.69(a)(2) and 40 CFR § 262.34(a)(2)].
- 7. Failed to keep hazardous waste containers closed except when adding or removing waste. Specifically, there was one drum containing a small amount of used oil and two containers of grease were open [30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 CFR §§ 264.173(a) and 265.173(a)].
- 8. Failed to develop and follow a written waste analysis plan ("WAP") which describes the procedures that will be followed to comply with treatment standards. Specifically, Respondent did not have a WAP prior to the treatment of hazardous waste [30 Tex. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)(5)].

## Corrective Actions/Technical Requirements

## **Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. Removed all accumulated unauthorized hazardous waste stored on-site and disposed of it at an authorized facility on October 30, 2012;
- b. Labeled all hazardous waste containers with the words "Hazardous Waste" on October 18, 2012;
- c. Labeled all hazardous waste drums with accumulation start dates on October 30, 2012; and
- d. Developed procedures to ensure that hazardous waste containers are kept closed except when adding or removing wastes on October 18, 2012.

## **Technical Requirements:**

- 1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will also require Respondent to:
- a. Immediately, cease the disposal and storage of any additional industrial waste at the Facility.
- b. Within 30 days:
- i. Conduct waste determinations and classifications on all waste streams generated at the Facility;
- ii. Develop and implement a storm water pollution prevention plan to comply with the requirements of TPDES MSGP No. TXR050000, and submit a completed Notice of Intent;
- iii. Develop and implement a WAP or submit documentation that hazardous waste treatment has been discontinued at the Facility; and
- iv. Submit a report demonstrating the applicability of the Texas Risk Reduction Program ("TRRP"), pursuant to 30 Tex. Admin. Code § 350, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of TRRP which may include: plans, reports and notices under Subchapter E (30 Tex. Admin. Code §§ 350.92 to 350.96); financial assurance (30 Tex. Admin. Code § 350.33(1)); and Institutional Controls under Subchapter F.

c. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions a. and b.

## Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

## **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Debra Barber, Enforcement Division, MC 219,

(512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,

MC 219, (512) 239-3565

Respondent: Lyle Meier, President, AG-MEIER INDUSTRIES L.L.C., 920 East 6th

Street, Belton, Texas 76513

Respondent's Attorney: N/A

# Attachment A Docket Number: 2012-2115-MLM-E

## SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** AG-MEIER INDUSTRIES L.L.C.

Payable Penalty Twelve Thousand Three Hundred Dollars

Amount: (\$12,300)

**SEP Amount:** Six Thousand One Hundred Fifty Dollars

(\$6,150)

Type of SEP: Contribution to a Third-Party Recipient SEP

Third-Party Recipient: Texas Association of Resource Conservation and

Development Areas, Inc. ("RC&D") - Water or

Wastewater Treatment Assistance

**Location of SEP:** Bell County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

## 1. Project Description

## a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

## AG-MEIER INDUSTRIES L.L.C. Agreed Order - Attachment A

## b. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

## c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. Attention: Ken Awtrey P.O. Box 635067 Nacogdoches, Texas 75961

## 3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

## 4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

## AG-MEIER INDUSTRIES L.L.C. Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

## 5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## 6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Policy Revision 3 (S		nalty Calculatio	n Workshe	et (PCW)	PCW Revision	on August 3, 2011
TCEO	eptember 2011)					
DATES Assigned PCW	15-Oct-2012 7-Jan-2013	Screening 17-Oct-2012	EPA Due 29-	Jun-2013	,	3.00
RESPONDENT/FACILI						
Reg. Ent. Ref. No.	AG-MEIER INDUS	STRIES L.L.C.				
Facility/Site Region			Major/Mino	or Source Minor		
raciity/site Region	19 Waco			or ocarce france.		
CASE INFORMATION						
Enf./Case ID No.	45327		No. of V	iolations 7		
	2012-2115-MLM			rder Type 1660		
Media Program(s)		azardous Waste	Government/N			
Multi-Media	Water Quality			ordinator Judy K		
				C's Team Enforce	ment Tear	<u>n 6</u>
Admin. Penalty \$	Limit Minimum	\$0 Maximum	\$25,000	Annual and the second s		.,
:		Penalty Calcula	tion Section			**
TOTAL PACE DEN	II TV /Sum of	violation base pena		Subt	otal 1	\$16,250
IUIAL BASE PENA	tri (Sum or	violation base pena	ities)	Subi	Otal I	\$10,230
ADJUSTMENTS (+	/-) TO SUBTO	OTAL 1 the Total Base Penalty (Subtotal				
				ntage.		
Compliance Hi	story	0.0%	<u>Enhancement</u>	Subtotals 2,	3, & 7	\$0
Notes		No adjustment for complia	ance history.			
Culpability	No	0.0%	Enhancement	Subt	otal 4	\$0
:					<del></del>	
Notes	The Re	spondent does not meet th	e cuipability criteria.	•		
Good Faith Eff	ort to Comply T	otal Adjustments		Subt	otal 5	\$875
Economic Ben	efit Total EB Amounts Cost of Compliance		Enhancement* ed at the Total EB \$ Amod		otal 6	\$0
SUM OF SUBTOTA	LS 1-7			Final Sui	btotal	\$15,375
OTHER FACTORS A	AS JUSTICE M	AY REQUIRE ated percentage.	0.0%	Adjust	ment	\$0
Notes						
1 1 1				Final Penalty An	nount -	\$15,375
CTATUTODY I TATE	r adductur	ıT		-		
STATUTORY LIMIT	ADJUSIMEN	11		inal Assessed Pe	:naity	\$15,375
<b>DEFERRAL</b> Reduces the Final Assessed Pe	nalty by the indicted	percentage. (Enter number only;		eduction <b>Adjust</b>	ment	-\$3,075
Notes	С	eferral offered for expedite	ed settlement.			

**PAYABLE PENALTY** 

\$12,300

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Screening Date 17-Oct-2012

Docket No. 2012-2115-MLM-E

**Respondent** AG-MEIER INDUSTRIES L.L.C.

Case ID No. 45327

Reg. Ent. Reference No. RN101058865

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Judy Kluge

No  Adjustment Percentage (Subtotal 3)  Inclassified  Adjustment Percentage (Subtotal 7)  Adjustment Percentage (Subtotal 7)	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  Orders  Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees without a denial of liability, of this state or the federal government  Convictions  Any adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees without a denial of liability, of this state or the federal government (number of or the federal government)  Convictions  Emissions  Chronic excessive emissions events (number of events)  Other letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were of violations were disclosed)  Please Enter Yes or No  Adjustment Percentage (Subtotal 2)  Please Inter Yes or No  Adjustment Percentage (Subtotal 2)  Please Inter Yes or No  Adjustment Percentage (Subtotal 3)  Mo  Adjustment Percentage (Subtotal 3)  Mo  Adjustment Percentage (Subtotal 7)  Unclassified  No adjustment for compliance history.  Notes		o	0%
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Screening Date 17-Oct-2012 Docket No. 201	2-2115-MLM-E <b>PCW</b>
Respondent AG-MEIER INDUSTRIES L.L.C.	Policy Revision 3 (September 2011)
Case ID No. 45327 Reg. Ent. Reference No. RN101058865	PCW Revision August 3, 2011
Media [Statute] Industrial and Hazardous Waste	
Enf. Coordinator Judy Kluge	
Violation Number 1	
Rule Cite(s) 30 Tex. Admin. Code § 335.4	
Violation Description  Violation Description  Failed to prevent the unauthorized discharge of industria 5-gallon paint bucket had discharged down the side of a and onto the ground including containers with unknow metal drums) were disposed at the F	n metal drum onto a pallet on contents (buckets and
	Base Penalty \$25,000
>> Environmental, Property and Human Health Matrix	- 10 f - 2 m/s 2
Harm	
Release Major Moderate Minor OR Actual X	
	cent 5.0%
>>Programmatic Matrix Falsification Major Moderate Minor	
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Matrix Ma	
Notes the violation.	isa. / Suspending as a result of
Adjusti	ment \$23,750
	\$1,250
Violation Events	
	The first of the contribution of the first of the first of the contribution of the first of the
Number of Violation Events 1 19 Num	nber of violation days
dailŷ	
weekly	
mark only one	Mislatian Bass Bassims #1 250
with an x semiannual	Violation Base Penalty \$1,250
annual	
single event	
One quarterly event is recommended based on the September 28, 20 October 17, 2012 screening date.	)12 investigation to the
October 17, 2012 Scienting acte.	
Good Faith Efforts to Comply 0.0% Reduction	\$0
Before NOV NOV to EDPRP/Settlement Offer	A Section 1997 Annual Sect
Extraordinary	
Ordinary (mark with x)	
Notes The Respondent does not meet the good f this violation.	aith criteria for
	Violation Subtotal \$1,250
Economic Benefit (EB) for this violation	tutory Limit Test
Estimated EB Amount \$316 Viola	tion Final Penalty Total \$1,250
This violation Final Assessed Penal	Ity (adjusted for limits) \$1,250
Tills Violation Final Assessed Felial	\$1/230

**Economic Benefit Worksheet** Respondent AG-MEIER INDUSTRIES L.L.C. Case ID No. 45327 Reg. Ent. Reference No. RN101058865 Years of Media Industrial and Hazardous Waste Percent Interest Depreciation Violation No. 1 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** 0.00 \$0 Equipment \$0 \$0 0.00 Buildings \$0 \$0 \$0 0.00 \$0 \$0 \$0 Other (as needed) \$0 \$0 Engineering/construction 0.00 \$0 0.00 n/a: Land \$0 \$0 Record Keeping System 0.00 \$0 n/a Training/Sampling 0.00 \$0 n/a \$0 17-May-2013 Remediation/Disposal \$10,000 28-Sep-2012 0.63 \$316 n/a \$316 **Permit Costs** 0.00 n/a \$0 Other (as needed) Estimated cost to conduct an environmental assessment to determine the extent of contamination and to conduct the clean up and submit a report. The date required is the investigation date, and the final date is Notes for DELAYED costs the expected date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 Disposal 0.00 \$0 \$0 Personnel \$0 0.00 Inspection/Reporting/Sampling \$0 <u>\$0</u> \$0 0.00 \$0 \$0 Supplies/equipment <u>\$0</u> Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0

Notes for AVOIDED costs

TOTAL \$10,000 \$316 Approx. Cost of Compliance

Respondent Case ID No. 45327 Reg. Ent. Reference No. Media [Statute] Industrial and Hazardous Waste Enf. Coordinator Violation Number Rule Cite(s)  Violation Description  Respondent AG-MEIER INDUSTRIES L.L.C. Policy Revision 3 (September PCW Revision August 3, PCW Revision A	
Reg. Ent. Reference No. RN101058865  Media [Statute] Industrial and Hazardous Waste  Enf. Coordinator Judy Kluge  Violation Number 2  30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations ("CFR") § 262.11  Falled to identify and classify all industrial wastes generated at the Facility.  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	, 2011
Media [Statute] Industrial and Hazardous Waste  Enf. Coordinator  Violation Number  Rule Cite(s)  Tailed to Identify and classify all industrial wastes generated at the Facility.  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Violation Number Rule Cite(s)  30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations ("CFR") § 262.11  Failed to Identify and classify all industrial wastes generated at the Facility.  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Violation Number Rule Cite(s)  30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations ("CFR") § 262.11  Failed to Identify and classify all industrial wastes generated at the Facility.  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Violation Number 2  Rule Cite(s) 30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations ("CFR") § 262.11  Failed to identify and classify all industrial wastes generated at the Facility.  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Failed to Identify and classify all industrial wastes generated at the Facility.  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Failed to identify and classify all industrial wastes generated at the Facility.  Violation Description  Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Violation Description Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Violation Description Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
Violation Description Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.	
on the waste stream at the Facility.	
Base Penalty \$25	
Base Penalty \$25	
base Penalty 323	. 000
	,,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor	
OR Actual	
Potential x Percent 15.0%	
1 Occident A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 0.0%	
Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels	
Notes that are protective of human health or environmental receptors as a result of the violation.	
TO A SECTION AND	
TO SECTION OF A SE	
Adjustment \$21,250	
\$3	,750
<u> </u>	,,,,,,
Violation Events	
The state of the s	
Number of Violation Events 1 19 Number of violation days	
daily	
dally	
weekly	
weekly monthly	750
weekly monthly quarterly quarterly Violation Base Penalty \$3	,750
weekly monthly quarterly semiannual Semiannual Violation Base Penalty \$3	,750
weekly monthly quarterly semiannual sannual weekly monthly 1	,750
weekly monthly quarterly semiannual Semiannu	,750
weekly monthly quarterly semiannual sannual weekly monthly 1	,750
mark only one with an x  weekly monthly quarterly semiannual annual single event x	,750
mark only one with an x  weekly monthly quarterly semiannual annual weekly monthly quarterly semiannual semian	,750
weekly monthly quarterly semiannual annual single event x	,750
mark only one with an x  weekly monthly quarterly semiannual annual single event x  One single event is recommended.	
weekly monthly quarterly semiannual annual single event x  One single event is recommended.    Cood Faith Efforts to Comply   Complement   Complemen	\$0
mark only one with an x  weekly monthly quarterly semiannual annual single event x  One single event is recommended.	
weekly monthly quarterly semiannual annual single event x  One single event is recommended.	
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weekly monthly quarterly semiannual annual single event x  One single event is recommended.    One single event is recommended.   One single event is recomm	
weekly monthly quarterly semiannual annual single event x  One single event is recommended.    One single event is recommended.   One single event is recomm	
weekly monthly quarterly semiannual annual single event	
weekly monthly quarterly semiannual annual single event x  One single event is recommended.  Good Faith Efforts to Comply  Extraordinary  Ordinary  N/A x (mark with x)  Violation Base Penalty \$3  Violation Base Penalty	
weekly monthly quarterly semiannual annual single event    One single event is recommended.    One single event is recommended.    One single event   Sefore Nov   Nov to EDPRP/Settlement Offer   Extraordinary   Ordinary   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Sefore Nov   Noves   The Respondent does not meet the good faith criteria for   Noves   Noves   The Respondent does not meet the good faith criteria for   Noves   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   Noves   The Respondent does not meet the good faith criteria for   The Respondent does not meet the good faith criteria	
weekly monthly quarterly semiannual annual single event   x    One single event is recommended.  One single event one semiannual annual single event   x    One single event one semiannual annual single event   x    One single event one semiannual annual single event   x    One single event is recommended.	\$0]
weekly monthly quarterly semiannual annual single event   x    One single event is recommended.  One single event one semiannual annual single event   x    One single event one semiannual annual single event   x    One single event one semiannual annual single event   x    One single event is recommended.	
weekly monthly quarterly semiannual annual single event   X    One single even	\$0 ,750
weekly monthly quarterly semiannual annual single event   X      One single event is recommended.    One single event   X      One single event	\$0]
Weekly monthly quarterly semiannual annual single event   X   One single event is recommended.    Good Faith Efforts to Comply   O.0% Reduction   Before NOV NOV to EDPRP/Settlement Offer   Extraordinary   Ordinary   N/A   X   (mark with x)   Notes   The Respondent does not meet the good faith criteria for this violation.   \$3,	\$0
Weekly monthly quarterly semiannual annual single event   X	\$0 ,750
Weekly monthly quarterly semiannual annual single event is recommended.    One single event is recommended.   One single event is recommended.	<b>\$0</b>

Respondent AG-MEIER INDUSTRIES L.L.C. Case ID No. 45327 Reg. Ent. Reference No. RN101058865 Media Industrial and Hazardous Waste Years of Percent Interest Depreciation Violation No. 2 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** \$0 \$0 \$0 Equipment 0.00 \$0 \$0 0.00 Buildings \$0 \$0 Other (as needed) 0.00 \$0 \$0 Engineering/construction 0.00 \$0 \$0 \$0 Land 0.00 \$0 n/a \$0 **Record Keeping System** 0.00 \$0 n/a \$0 \$4,200 17-May-2013 Training/Sampling 28-Sep-2012 0.63 \$133 n/a \$133 Remediation/Disposal 0.00 \$0 n/a \$0 Permit Costs \$0 \$0 0.00 n/a Other (as needed) 0.00 n/a Estimated cost to conduct waste determination and classification on the waste stream at the Facility. The Notes for DELAYED costs date required is the investigation date, and the final date is the estimated date of compliance. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) 0.00 \$0 Disposal \$0 0.00 Personnel \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 Other (as needed) 0.00 **Notes for AVOIDED costs** 

\$4,200

Approx. Cost of Compliance

\$133

TOTAL

(September 2011) ion August 3, 2011	Docket No. 2012-2115-MLM-E			Screening Date	
	•	S L.L.C.	AG-MEIER INDUS	Respondent Case ID No.	
ion August 3, 2011	PCW REVIS			int. Reference No.	Rea F
		ous Waste		Media [Statute]	eg. =
			Judy Kluge	Enf. Coordinator	
			3	Violation Number Rule Cite(s)	
	1.25(a)(4) and 40 CFR § 122.26(c)	Imin. Code § 28:	30 Te	Rule Cite(s)	
			,,,		
	charge storm water associated with industrial bischarge Elimination System ("TPDES") Multi- nit ("MSGP") No. TXR050000.	exas Pollutant D		Violation Description	
\$25,000	Base Penalty				
		alth Matrix	ty and Huma	ronmental, Proper	> Envir
		<b>rm</b> erate Minor	Major	Release	
		1	1.0,0,	Actual	OR
	Percent 0.0%			Potential	
	· 建铁铁石基层设计。	en de la companya de	44 - 1912 14 THEN	ammatic Matrix	>Progr
		erate Minor	Major	Falsification	
	Percent 5.0%		х	NAMES OF TAXABLE PARTY.	
	ment was not met.	the rule requirer	100	Matrix	jiêsi-
				Notes	
	Adjustment \$23,750	en necochemical, Streets die		e Period National de l'April de la rate, qui elle l'ague les services	
	Adjustinesit \$25,750				
\$1,250					
			Control Seattle	n Events	
				I FACIICA	ioiation
					lolation
	19 Number of violation days	et attach	iolation Events		ioiation
			iolation Events		ioiation
			daily weekly		iolation
\$1.250	19 Number of violation days		daily weekly monthly	Number of Number	iojation
\$1,250			daily weekly	Number of N	io <u>i</u> ation
\$1,250	19 Number of violation days		daily weekly monthly quarterly semiannual annual	Number of Number	iolation
\$1,250	19 Number of violation days		daily weekly monthly quarterly semiannual	Number of Number	iolation
\$1,250	Number of violation days  Violation Base Penalty		daily weekly monthly quarterly semiannual annual single event	Number of Number	ioiation
\$1,250	Number of violation days  Violation Base Penalty  pher 28, 2012 investigation to the October 17,	from the Septem	daily weekly monthly quarterly semiannual annual single event	Number of Number	ioiation
\$1,250	Number of violation days  Violation Base Penalty  pher 28, 2012 investigation to the October 17,		daily weekly monthly quarterly semiannual annual single event	Number of Number	ioiation
\$1,250 \$0	19 Number of violation days  Violation Base Penalty  There 28, 2012 investigation to the October 17, g date.	from the Septem 2012 screening	dally weekly monthly quarterly semiannual annual single event	Mumber of Number	
	19 Number of violation days  Violation Base Penalty  There 28, 2012 investigation to the October 17, g date.	from the Septem 2012 screening	dally weekly monthly quarterly semiannual annual single event	Number of Number	
	Violation Base Penalty  There 28, 2012 Investigation to the October 17, g date.	from the Septem 2012 screening	dally weekly monthly quarterly semiannual annual single event vent is recommen	Mumber of Number	
	Violation Base Penalty  There 28, 2012 investigation to the October 17, g date.	from the Septem 2012 screening  0.0% Reduction NOV to EDP	dally weekly monthly quarterly semiannual annual single event vent is recommen	Mumber of Number	
	Violation Base Penalty  Disperse 28, 2012 investigation to the October 17, g date.	from the Septem 2012 screening  0.0% Reduction  NOV NOV to EDP	daily weekly monthly quarterly semiannual annual single event vent is recomment extraordinary Ordinary N/A	Mumber of Number	
	Violation Base Penalty  Display the property of the October 17, g date.  PRP/Settlement Offer  The property of the October 17, g date.	from the Septem 2012 screening  0.0% Reduction NOV to EDP (mark with espondent does it	daily weekly monthly quarterly semiannual annual single event vent is recomment extraordinary Ordinary N/A	Mumber of Number	
	Violation Base Penalty  Disperse 28, 2012 investigation to the October 17, g date.	from the Septem 2012 screening  0.0% Reduction NOV to EDP (mark with espondent does it	dally weekly monthly quarterly semiannual annual single event went is recommendated by the semiannual annual sold annual sold annual annual sold annual sold annual annual sold annual annual annual sold annual ann	Mumber of Number	
	Violation Base Penalty  Display the property of the October 17, g date.  PRP/Settlement Offer  The property of the October 17, g date.	from the Septem 2012 screening  0.0% Reduction NOV to EDP (mark with espondent does it	dally weekly monthly quarterly semiannual annual single event went is recommendated by the semiannual annual sold annual sold annual annual sold annual sold annual annual sold annual annual annual sold annual ann	Mumber of Number	
\$0	Violation Base Penalty  Disperse 28, 2012 investigation to the October 17, g date.  PRP/Settlement Offer  In this violation.	from the Septem 2012 screening  0.0% Reduction NOV to EDP (mark with espondent does it	daily weekly monthly quarterly semiannual annual single event vent is recomment extraordinary Ordinary N/A Notes	Mumber of Number	ood Fai
\$0	Violation Base Penalty  Dispersion of the October 17, g date.  PRP/Settlement Offer  In the property of the October 17, g date.  X)  In the property of the October 17, g date.  Violation Subtotal	from the Septem 2012 screening  0.0% Reduction NOV NOV to EDP  (mark with espondent does in the september does	daily weekly monthly quarterly semiannual annual single event vent is recomment extraordinary Ordinary N/A Notes	Mumber of Number	ood Fai

Respondent AG-MEIER INDUSTRIES L.L.C. Case ID No. 45327 Reg. Ent. Reference No. RN101058865 Media Industrial and Hazardous Waste Years of Percent Interest Depreciation Violation No. 3 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/construction 0.00 \$0 \$0 \$0 0.00 n/a \$0 Land Record Keeping System 0.00 \$0 n/a -\$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 \$2,000 28-Sep-2012 Permit Costs 0.63 \$63 n/a \$63 Other (as needed) 0.00 \$0 n/a Estimated cost to develop and implement a Storm Water Pollution Prevention Plan and obtain authorization under TPDES MSGP to discharge storm water associated with industrial activities. The date required is the Notes for DELAYED costs investigation date, and the final date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 \$0 Disposal 0.00 \$0 Personnei \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) 0.00 Notes for AVOIDED costs

TOTAL

\$63

\$2,000

Approx. Cost of Compliance

Scre	eening Date	17-Oct-2012		Docket N	O. 2012-2115-MLM-E	PCW
		AG-MEIER INDUS	STRIES L.L.C.			Policy Revision 3 (September 201
	Case ID No.					PCW Revision August 3, 20
Reg. Ent. Re		Industrial and Ha	zardous Waste			
	Coordinator		izaraous waste			
	lation Number	4				
	Rule Cite(s)		30 Tex. A	dmin. Code § 3	35.2(b)	
Violatio	on Description	Failed to	store and process	hazardous wast	e at an authorized facili	ity.
					Bas	e Penalty \$25,00
>> Environme	List bisit	tu and Urma	a Daalek Maes		ション、八変質の関連の変化の	\$25/00
>> Environme		-	Harm			
OR	<b>Release</b> Actual	Major	Moderate Mir	nor		
	Potential	×			Percent 15.0%	
					<u> </u>	
>>Programma	atic Matrix Falsification	Major	Moderate Mir			
	Paisification	Major	Moderate Mil		Percent 0.0%	
			<u> </u>			
Matrix	Human health	or the environme	ent will or could be	exposed to poll	utants which would exc	eed levels
Notes	that are p	rotective of huma	n health or enviror	mental recepto	rs as a result of the viol	lation.
	<u> </u>					
				ekit Yük Gu.	Adjustment	\$21,250
						\$3,75
Talah Barangan Salah	_ man in the section and the south		ing the second s	Minister to a winds	Silve Man 1 (Dec.) Holes (1994), 1	Park Structure Design
Violation Even	ts					
	Number of V	/iolation Events	1	19	Number of violation	days
	,		1			
		daily weekly				
		monthly	×			
	mark only one with an x	quarterly			Violation Base	e Penalty \$3,75
		semiannual				
		annual single event				
	One monthly e	vent is recommen			2012 investigation to th	ne October
			17, 2012 scre	ening date.		
Good Faith Effe	orts to Com	olv	10.0% Reduct	ion		\$37.
	a			EDPRP/Settlement	Offer	N 11.
		Extraordinary				
		Ordinary	(	X		
		N/AIL_	(mark w		ance on October 30,	
		Notes	2012, after the No		ment ("NOE") dated	
					Violation	Subtotal \$3,37
Economic Bene	efit (EB) for	this violation			Statutory Limit	Test
	Estimate	d EB Amount		\$22	Violation Final Pena	ilty Total \$3,37
			This violetia-			
		200- 200-200-200-200-200-200-200-200-200	IIIIS VIDIBLION	rillai ASSESSE(	l Penalty (adjusted fo	73,3/

Respondent AG-MEIER INDUSTRIES L.L.C. **Case ID No. 45327** Reg. Ent. Reference No. RN101058865 Percent Interest Depreciation Media Industrial and Hazardous Waste Violation No. 4 5.0 15 Yrs Interest Saved Onetime Costs **EB Amount** Item Cost Date Required Final Date Item Description No commas or \$ **Delayed Costs** Equipment 0.00 \$0 \$0 0.00 \$0 Buildings \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/construction 0.00 \$0 n/a \$0 0.00 \$0 Land Record Keeping System 0.00 \$0 n/a <u>\$0</u> Training/Sampling 0.00 \$0 n/a \$0 \$5,000 28-Sep-2012 Remediation/Disposal 30-Oct-2012 0.09 n/a \$22 **Permit Costs** 0.00 \$0 n/a \$0 Other (as needed) 0.00 \$0 n/a Estimated cost to develop and implement procedures to ensure that all hazardous waste generated at the Facility are transported to an authorized facility for storage, processing, and disposal. The date required is Notes for DELAYED costs the investigation date, and the final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 \$0 Disposal 0.00 \$0 Personnel \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 \$0 0.00 ONE-TIME avoided costs [3] \$0 \$0 0.00 Other (as needed) Notes for AVOIDED costs

TOTAL

\$22

\$5,000

Approx. Cost of Compliance

### **Economic Benefit Worksheet** Respondent AG-MEIER INDUSTRIES L.L.C. Case ID No. 45327 Reg. Ent. Reference No. RN101058865 Percent Interest Depreciation Media Industrial and Hazardous Waste Violation No. 5 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 0.00 \$0 Equipment \$0 \$0 \$0 \$0 0.00 \$0 Buildings \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0 \$0 Engineering/construction 0.00 \$0 n/a Land 0.00 Record Keeping System \$0 0.00 \$0 n/a Training/Sampling 0.00 <u>\$0</u> n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 \$0 n/a \$0 Other (as needed) 28-Sep-2012 30-Oct-2012 0.09 \$0 Estimated cost to mark and label eleven containers of hazardous waste. The date required is the Notes for DELAYED costs investigation date, and the final date is the compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal \$0 0.00 \$0 Personnel \$0 \$0 \$0 \$0 0.00 Inspection/Reporting/Sampling <u>\$0</u> \$0 Supplies/equipment 0.00 \$0 \$0 \$0 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 Other (as needed) 0.00 \$0

\$100

TOTAL

\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

Scre	eening Date	17-Oct-2012		Dock	et No. 2012-2115-MLM-E		PCW
		AG-MEIER INDU	JSTRIES L.L.C.			Policy Revision	3 (September 2011)
	Case ID No.					PCW Rev	vision August 3, 2011
Reg. Ent. Re							
		Industrial and H	lazardous Wast	æ			
	Coordinator						
Viol	lation Number Rule Cite(s)						
	Rule Cite(S)	30 Tex. Admin.	. Code § 335.69	9(a)(1)(A) and	40 CFR §§ 264.173(a) and 2	.65.173(a)	
Violatio	on Description		cifically, one dr		losed except when adding or a small amount of used oil a e were open.		
					Bas	e Penalty	\$25,000
>> Environme	ntal, Proper	ty and Hum	an Health M Harm	latrix			
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential	X			Percent 15.0%		
>>Programma					Kanada da		
	Falsification	Major	Moderate	Minor	Percent 0.0%		
	L				Percent 0.0%		
Matrix	Human health	or the environn	nent will or coul	ld be exposed t	o pollutants which would exc	eed levels	1
Notes					ceptors as a result of the vio		
					Adjustment	\$21,250	
			JARUS SOFFERNISH SARA		Aujustinent	<del>\$21,230</del>	
							\$3,750
	war ar in the control of				The second of th		
Violation Even	ts						
		[6				4	
	Number of \	/iolation Events	1	<u>L</u>	19 Number of violation	days	
	1	l oggerender	<del></del>				
		dally					;
		weekly [ monthly [	<del></del>				
	mark only one	quarterly	×		Violation Bas	e Penalty	\$3,750
	with an x	semiannual			Violation bas	o : o	40//00
		annual					
		single event					
		i terri estata estati					
				4b - Cbb-	- 20 2012	. Cotabar	
	One monthly e	vent is recomme		tne Septembe 2 screening dat	r 28, 2012 investigation to th	ie October	
			17, 2012	. screening dat	V .		
. 1. 551 - 1996 - 359 - 1	Photos de la companya			Country Country Country	CAPTER CO. CO. CO. C. AMILIO A	To the wisking let	
Good Faith Effe	orts to Comp	oly [	10.0% R				\$375
			Before NOV NO	OV to EDPRP/Settle	ement Offer		
		Extraordinary					
		Ordinary		X			
		N/A [	l(n	nark with x)			
			The Responde	ent came into c	ompliance on October 30,		
		Notes			ed October 11, 2012.		
							1
					Violation	Subtotal	\$3,375
Economic Bene	efit (EB) for	this violatio	n in the second		Statutory Limit	Test	
	Estimate	ed EB Amount		\$0	Violation Final Pena	alty Total	\$3,375
		_					
			This violat	tion Final Ass	essed Penalty (adjusted f	or limits)	\$3,375
			Pakedalika.				

Respondent AG-MEIER INDUSTRIES L.L.C. **Case ID No. 45327** Reg. Ent. Reference No. RN101058865 Percent Interest Depreciation Media Industrial and Hazardous Waste Violation No. 6 5.0 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** \$0 Equipment 0.00 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/construction 0.00 \$0 \$0 0.00 \$0 \$0 n/a Land 0.00 Record Keeping System n/a \$0 \$0 Training/Sampling \$0 0.00 \$0 n/a Remediation/Disposal 0.00 \$0 n/a \$0 \$0 n/a \$0 Permit Costs 0.00 28-Sep-2012 30-Oct-2012 0.09 \$100 Other (as needed) \$0 n/a Estimated cost to develop and implement procedures to ensure that containers are closed except when adding or removing waste. The date required is the investigation date, and the final date is the Notes for DELAYED costs compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 Supplies/equipment \$0 \$0 Financial Assurance (2) 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) 0.00 Notes for AVOIDED costs TOTAL \$0 Approx. Cost of Compliance \$100

	ening Date			ket No. 2012-2115-MLM-E	PCW
	•	AG-MEIER INDUSTRIES L.L.	C.		Policy Revision 3 (September 201)
Reg. Ent. Ref	case ID No. Terence No.				PCW Revision August 3, 201
		Industrial and Hazardous Wa	aste		
	oordinator				
Viola	ation Number Rule Cite(s)				
	Rule Cite(s)	30 Tex. Admin.			
		Failed to develop and faller	u a written waste	e analysis plan ("WAP") which	describes
Malakia	D			comply with treatment standa	
Violatio	n Description	Specifically, the Respondent	t did not have a \ waste	WAP prior to the treatment of	nazardous
			waste	<b>:.</b>	
				Bas	e Penalty \$25,00
			NAME AND ADDRESS OF THE PARTY O		720/3
>> Environmer	ntai, Proper	ty and Human Health Harm	Matrix		
	Release	Major Moderate	Minor		
OR	Actual Potential			Percent 0.0%	
>>Programma	tic Matrix Falsification	Major Moderate	Minor		
	Taisincación	X Your Trouble		Percent 5.0%	
Matrix		100% of the ru	ıle requirement v	was not met	
Notes		100% of the fu	ie requirement v	vas not met.	
				Adjustment	\$23,750
					\$1,25
	substitute the applications of			i je stanija je basana semana silemmina 19.	5835 4 179 C 645
Violation Event	S		ing [] of the position of the state of the s	일 : ㅎ 하신수하님, 이 상황하는 현실중설였다. -	
	Number of V	/iolation Events 1		19 Number of violation	days
		daily	<b>1</b>		
		weekly	1		
	mark only one	monthly	]		
	with an x	quarterlysemiannual	1	Violation Base	e Penalty \$1,25
		annual	1		
		single event x	]		
		One single	event is recomm	nended.	
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Good Faith Effo	rts to Com	o.0%	Reduction		**\\ <b>\$</b> (
		Before NOV	NOV to EDPRP/Sett	tlement Offer	
		Extraordinary			
		Ordinary X	(mark with x)		
		Notes The Respond	dent does not me this vio	eet the good faith criteria for	
			4,10 410		
				Violation	Subtotal \$1,250
Economic Bene	fit (EB) for	this violation		Statutory Limit	Test
		ed EB Amount	\$16	Violation Final Pena	
		· · · · · · · · · · · · · · · · · · ·		•	
		This vio	nation Final As:	sessed Penalty (adjusted fo	or limits) \$1,250
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Respondent AG-MEIER INDUSTRIES L.L.C. Case ID No. 45327 Reg. Ent. Reference No. RN101058865 Years of Media Industrial and Hazardous Waste **Percent Interest** Depreciation Violation No. 7 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB Amount** Item Description No commas or \$ **Delayed Costs** 0.00 Equipment \$0 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 0.00 \$0 Other (as needed) \$0 \$0 Engineering/construction \$0 0.00 \$0 \$0 - n/a Land 0.00 \$0 \$0 Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a \$0 **Permit Costs** 0.00 n/a \$0 \$0 Other (as needed) 28-Sep-2012 17-May-2013 0.63 \$16 n/a \$16 Estimated cost to develop a written WAP for treating hazardous waste. The date required is the Notes for DELAYED costs investigation date, and the final date is the estimated compliance date. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal \$0 **Personnel** 0.00 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Supplies/equipment \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 \$0 Other (as needed) 0.00 Notes for AVOIDED costs TOTAL \$16 \$500 Approx. Cost of Compliance

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# CEQ Compliance History Report

PENDING Compliance History Report for CN603107426, RN101058865, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN603107426, AG-MEIER INDUSTRIES L.L.C. Classification: UNCLASSIFIED Rating: ----

or Owner/Operator:

RN101058865, AG MEIER

Classification: UNCLASSIFIED

Rating: -----

**Complexity Points:** 

**Regulated Entity:** 

Repeat Violator: NO

CH Group:

14 - Other

Location:

920 E 6TH AVE BELTON, TX 76513-2712, BELL COUNTY

TCEQ Region:

**REGION 09 - WACO** 

ID Number(s):

**AIR NEW SOURCE PERMITS REGISTRATION 80112** 

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988023271

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012 Rating Date: 09/01/2012

Date Compliance History Report Prepared: October 17, 2012

Agency Decision Requiring Compliance History:

Component Period Selected: October 17, 2007 to October 17, 2012

TCEO Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Judy Kluge

Phone: (817) 588-5825

## **Site and Owner/Operator History:**

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

**B.** Criminal convictions:

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

# N/A G. Type of environmental management systems (EMSs): N/A H. Voluntary on-site compliance assessment dates: N/A I. Participation in a voluntary pollution reduction program:

J. Early compliance:

F. Environmental audits:

N/A

**Sites Outside of Texas:** 

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
AG-MEIER INDUSTRIES L.L.C.	§	
RN101058865	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2012-2115-MLM-E

## I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding AG-MEIER INDUSTRIES L.L.C. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates an industrial manufacturing facility at 920 East 6th Avenue in Belton, Bell County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial hazardous waste as defined in Tex. Health & Safety Code ch. 361. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to waters in the state as defined in the Tex. Water Code § 26.001(5).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 16, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Fifteen Thousand Three Hundred Seventy-Five Dollars (\$15,375) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Six Thousand One Hundred Fifty Dollars (\$6,150) of the administrative penalty and Three Thousand Seventy-Five Dollars (\$3,075) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand One Hundred Fifty Dollars (\$6,150) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Removed all accumulated unauthorized hazardous waste stored on-site and disposed of it at an authorized facility on October 30, 2012;
  - b. Labeled all hazardous waste containers with the words "Hazardous Waste" on October 18, 2012;
  - c. Labeled all hazardous waste drums with accumulation start dates on October 30, 2012; and
  - d. Developed procedures to ensure that hazardous waste containers are kept closed except when adding or removing wastes on October 18, 2012.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to prevent the unauthorized discharge of industrial waste, in violation of 30 Tex. ADMIN. CODE § 335.4, as documented during an investigation conducted on September 28, 2012. Specifically, one 5-gallon paint bucket had discharged down the side of a metal drum onto a pallet and onto the ground, including containers with unknown contents (buckets and metal drums) were disposed at the Facility.
- 2. Failed to identify and classify all industrial wastes generated at the Facility, in violation of 30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations ("CFR") § 262.11, as documented during an investigation conducted on September 28, 2012. Specifically, the Respondent did not conduct a waste determination and classification on the waste stream at the Facility.
- 3. Failed to obtain authorization to discharge storm water associated with industrial activities under the Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000, in violation of 30 Tex. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26(c), as documented during an investigation conducted on September 28, 2012.
- 4. Failed to store and process hazardous waste at an authorized facility, in violation of 30 Tex. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on September 28, 2012.
- Failed to ensure that each container used to store hazardous waste is labeled or marked "clearly" with the words "Hazardous Waste," in violation of 30 Tex. ADMIN. CODE § 335.69(a)(3) and 40 CFR § 262.34(a)(3) and (b), as documented during an investigation conducted on September 28, 2012.
- 6. Failed to label all hazardous waste drums with accumulation start dates, in violation of 30 Tex. Admin. Code § 335.69(a)(2) and 40 CFR § 262.34(a)(2), as documented during an investigation conducted on September 28, 2012. Specifically, 11 metal drums were not labeled.
- 7. Failed to keep hazardous waste containers closed except when adding or removing waste, in violation of 30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 CFR §§ 264.173(a) and 265.173(a), as documented during an investigation conducted on September 28, 2012. Specifically, there was one drum containing a small amount of used oil and two containers of grease were open.
- 8. Failed to develop and follow a written waste analysis plan ("WAP") which describes the procedures that will be followed to comply with treatment standards, in violation of 30 Tex. Admin. Code § 335.431(c) and 40 CFR § 268.7(a)(5), as documented during an investigation conducted on September 28, 2012. Specifically, the Respondent did not have a WAP prior to the treatment of hazardous waste.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: AG-MEIER INDUSTRIES L.L.C., Docket No. 2012-2115-MLM-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete a SEP in accordance with Tex. Water Code § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand One Hundred Fifty Dollars (\$6,150) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease the disposal and storage of any additional industrial waste at the Facility.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Conduct waste determinations and classifications on all waste streams generated at the Facility, in accordance with 30 Tex. ADMIN. CODE § 335.62 and 40 CFR § 262.11;
    - ii. Develop and implement a storm water pollution prevention plan to comply with the requirements of TPDES MSGP No. TXR050000, and submit a completed Notice of Intent to:

Storm Water and Pretreatment Team, MC 148 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- iii. Develop and implement a WAP or submit documentation that hazardous waste treatment has been discontinued at the Facility, in accordance with 30 Tex. ADMIN. CODE § 335.431(c) and 40 CFR § 268.7(a)(5); and
- iv. Submit a report demonstrating the applicability of the Texas Risk Reduction Program ("TRRP"), pursuant to 30 Tex. Admin. Code § 350, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of TRRP which may include: plans, reports and notices under Subchapter E (30 Tex. Admin. Code §§ 350.92 to 350.96); financial assurance (30 Tex. Admin. Code § 350.33(1)); and Institutional Controls under Subchapter F. Submit report to:

Corrective Action Section Remediation Division, MC 221 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a., and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 9. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Comm	nission	_
For the Execu	Active Director	S(20113 Date
do agree to the	ne terms and conditions specified	I the attached Agreed Order. I am authorized to of the entity indicated below my signature, and therein. I further acknowledge that the TCEQ, in the relying on such representation.
<ul> <li>A nega</li> <li>Greate</li> <li>Referra additio</li> <li>Increas</li> <li>Automa and</li> <li>TCEQ s</li> </ul>	eto timery pay the penalty amount ative impact on compliance history or scrutiny of any permit application al of this case to the Attorney (con al penalties, and/or attorney feet sed penalties in any future enforces atic referral to the Attorney Gen seeking other relief as authorized	y; ons submitted; General's Office for contempt, injunctive relies es, or to a collection agency; ement actions; neral's Office of any future enforcement actions
Signature	men	2 - 8 - 13 Date
Name (Printed Authorized Rep	d or typed) presentative of DUSTRIES L.L.C	Title  Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

# Attachment A Docket Number: 2012-2115-MLM-E

## SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** AG-MEIER INDUSTRIES L.L.C.

Payable Penalty Twelve Thousand Three Hundred Dollars

Amount: (\$12,300)

**SEP Amount:** Six Thousand One Hundred Fifty Dollars

(\$6,150)

Type of SEP: Contribution to a Third-Party Recipient SEP

Third-Party Recipient: Texas Association of Resource Conservation and

Development Areas, Inc. ("RC&D") - Water or

Wastewater Treatment Assistance

**Location of SEP:** Bell County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

## 1. Project Description

## a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Water or Wastewater Treatment Assistance Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. If RC&D is unable to spend the total SEP Offset Amount on this project, upon approval of the Executive Director, the remaining SEP Offset Amount may be applied to another approved RC&D project.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

## AG-MEIER INDUSTRIES L.L.C. Agreed Order - Attachment A

## b. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

## c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. Attention: Ken Awtrey P.O. Box 635067 Nacogdoches, Texas 75961

## 3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

## 4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

AG-MEIER INDUSTRIES L.L.C. Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

## 5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## 6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.